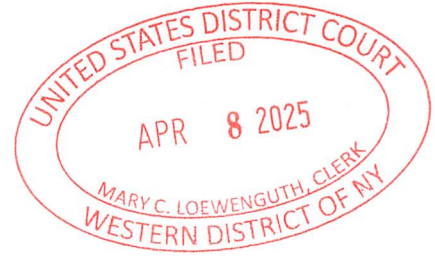


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

23-CR-99-LJV-JJM
DECISION & ORDER

SCOTT BARNES,

Defendant.

1. On December 27, 2024, the defendant, Scott Barnes, pleaded guilty to Count 27 of the second superseding indictment charging a violation of Title 18, United States Code, Section 922(g)(1) (felon in possession of firearms). Docket Item 332.

2. On December 27, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 333.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed de novo Judge McCarthy's Report & Recommendation (Docket Item 333), the plea agreement (Docket Item 332), the second superseding indictment (Docket Item 24), a transcript of the plea proceeding (Docket Item 380), and the applicable law. This Court finds no legal or factual error in Judge McCarthy's Report & Recommendation and therefore adopts Judge McCarthy's


recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of count 27 of the second superseding indictment.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's December 27, 2024 Report & Recommendation, Docket Item 333, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Scott Barnes is now adjudged guilty under Title 18, United States Code, Section 922(g)(1).

SO ORDERED.

Dated: April 8, 2025
Buffalo, New York


LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE